Remarks

Claims 1-18 are pending. Claims 1, 7 and 13 are independent.

The examiner uses Picco to reject claims 1-18 as having been anticipated.

Applicant disagrees and believes that the examiner has mischaracterized the reference.
More specifically, claims 1, 7 and 13, as amended, recite "providing a first set of channels in a
channel list, the first set of channels in the channel list selected based on a predetermined criteria
related to a viewing preference of a viewer," or similar language. Picco neither describes nor
discloses at least this cited claim feature.

The examiner argues that the above claim feature is described in Picco at col. 3, line 43 to
col. 4, line 12, reproduced below for the convenience of the examiner:

> In accordance with the invention, a system for communicating a programming data stream and a
> data stream containing pieces of local content data that are going to be inserted into a local content
> space in the programming data stream at some predetermined time is provided in which the
> programming data stream and the local content digital data stream are transmitted to a set-top box
> in a house of a user, the set-top box stores a predetermined portion of the pieces of local content data
> based on predetermined criteria, and the set-top box identifies a local content space in the
> programming data stream. The set-top box may also select a particular piece of local content from
> the storing system to insert into the local content space in the programming data stream based on a
> plurality of predetermined preferences of the user, retrieve that selected piece of local content from
> said storage means, and insert that selected piece of local content into said programming data stream
> at said local content space so that individualized local content specific to the user of the set-top box is
> inserted into the programming data stream.

> In accordance with another aspect of the invention, an apparatus for displaying images from a
> programming data stream and a data stream containing pieces of local content data that are going to
> be inserted into a local content space in the programming data stream at some predetermined time is
> provided where the programming data stream and the pieces of local content data are received and a
> predetermined portion of the received pieces of the local content data are stored based a
> predetermined criteria. A local content space in the programming data stream is then identified, a
> particular piece of local content to insert into the local content space in the programming data
> stream is selected based on a plurality of predetermined preferences of a user, the selected piece of
> local content is retrieved, and the selected piece of local content is inserted into said programming
> data stream at said local content space so that individualized local content is inserted into the
> programming data stream. [Picco, col. 3, line 43 to col. 4, line 12]

Nothing in the above, nor anywhere in Picco, describes or discloses providing a first set of
channels in a channel list, the first set of channels in the channel list selected based on a
predetermined criteria related to a viewing preference of a viewer. The examiner has neglected
to recognize that Picco deals with inserting custom content, such as TV advertisement, in
traditional media content. Picco does nothing with channel lists and predetermined criteria;
Picco is only concerned with custom or local content that may be inserted into a stream of media

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content. This local content inserted into the stream of media content may be done according to predetermined criteria:

> Once the selected pieces of local content are stored on the disk of the set-top box, the pieces of local content may be inserted into the programming data. The storing and insertion of local content into the programming data for a viewer may be customized based on the preferences of a viewer. [Picco, col. 3, lines 25-27]

Picco's local content can be a channel list that is inserted into a stream of media content as local content:

> The local content database may store a plurality of pieces of local content such as a plurality of advertisements. Each piece of local content may also include the content profile as described below, a unique content identified code, a total time of the piece of local content, use statistics about the piece of local content, and utilization directives, *such as an insert channel list*, a view interval, a time of day the local content may be viewed, an expiration date of the local content or a maximum number of times a piece of local content may be viewed. [Picco, col. 6, line 59 to col. 7, line 2] (emphasis added)
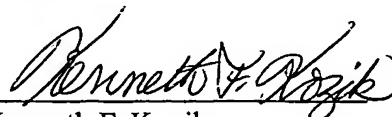
Picco is not inserting anything into a channel list; Picco is inserting a channel list into a media content stream.

Accordingly, claims 1, 7 and 13 are not anticipated by Picco.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

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